

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS

DATE: JANUARY 4, 2008

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
TESSIER
STEC
MERLINO
HASKELL
TAYLOR
GOODSPEED

OTHERS PRESENT:

PAUL BUTLER, DIRECTOR OF PARKS, RECREATION &
RAILROAD DEPARTMENT
WILLIAM LAMY, DPW SUPERINTENDENT
REPRESENTING CLOUGH HARBOUR & ASSOCIATES:
ROBERT W. BADGER
RICK LOEWENSTEIN
WAYNE LAMOTHE, ASSISTANT DIRECTOR OF PLANNING
& COMMUNITY DEVELOPMENT
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE AND
FISCAL SERVICES

COMMITTEE MEMBER ABSENT:

SUPERVISOR CHAMPAGNE

JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISOR THOMAS
SUPERVISOR STRAINER
SUPERVISOR KENNY
NICOLE LIVINGSTON, DEPUTY CLERK OF THE BOARD
FRED AUSTIN, BUILDING PROJECTS COORDINATOR
CHARLENE DiRESTA, LEGISLATIVE OFFICE SPECIALIST

Mr. Belden called the meeting of the Public Works Committee to order at 10:01 a.m.

Motion was made by Mr. Merlino, seconded by Mr. Stec and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad Department, who distributed copies of the Agenda to the Committee members; *a copy of the Agenda is on file with the minutes.*

Mr. Butler stated that Wayne LaMothe, Assistant Director of Planning & Community Development, was present to update the Committee with respect to a grant application that had been submitted.

Mr. LaMothe distributed a handout on the First Wilderness Heritage Corridor

Project, a copy of which is on file with the minutes. He stated that the Planning & Community Development Department had been working on this project for some time. He added that the project incorporated a river rail connection along the western end of the County. He apprised that the Planning & Community Development Department had submitted three grant applications in 2007 for improvements along the rail corridor as it related to community connections. He added that one of the grant applications had been to the Environmental Protection Fund (EPF) in the amount of \$169,000, for improvements at the Kellogg property. He noted that this application had not been funded and that Warren County's share of the EPF funding had been allocated to the acquisition of the Gaslight Village property in the Town of Lake George. Mr. Belden asked if the funding that had been allocated for the acquisition of the Gaslight Village property from the EPF would be deducted from the amount that was the County's share of the acquisition cost. Mr. LaMothe responded that he was not sure if the funds would be deducted from the County's share and added that both applications had been submitted for the same round of funding and the acquisition of the Gaslight Village property had been awarded the funding.

Mr. Merlino asked how much funding had been awarded. Mr. LaMothe responded that they had applied for \$169,000 for the First Wilderness Heritage Corridor Project; however, he added, he was unsure of the amount that had been awarded for the acquisition of the Gaslight Village property. Hal Payne, Commissioner of Administrative & Fiscal Services, said that he had not been aware that any grant funding had been awarded to the acquisition of the Gaslight Village property.

Mr. LaMothe stated that for the two other grant applications that had been submitted, the County was not eligible for direct funding. He added that they had submitted the applications through the Town of Johnsbury with the County listed as a partner. He said that one of the applications that had been submitted was to the Local Waterfront Revitalization Program in the amount of \$739,250. He noted that there were many projects incorporated in the grant which included improvements at the Kellogg property, as well as improvements at the stations in the Towns of Thurman and Hadley. He said that improvements at the Thurman and Hadley stations could not include the construction of the buildings but could incorporate some of the site work.

Mr. Goodspeed entered the meeting at 10:05 a.m.

Mr. Belden asked if funding had been awarded for this grant and Mr. LaMothe replied in the negative and noted that the grant had recently been submitted.

Joan Sady, Clerk of the Board entered the meeting and Nicole Livingston, Deputy

Clerk of the Board exited the meeting at 10:06 a.m.

Mr. LaMothe stated that he was anticipating that the County would be awarded a portion of the requested \$739,250. He apprised that the third application had been submitted to the Adirondack Park Smart Growth Program. He added that this application had been submitted at the request of Senator Little's Office and was in partnership with the Town of Johnsbury.

Mr. LaMothe noted that all three applications had been submitted prior to the deadlines. He added that the EPF grant had not been funded and the other two were still pending.

Discussion ensued.

Mr. Butler asked when the funding would be awarded and Mr. LaMothe responded that it would probably be late spring. Mr. Merlino stated that the Town of Johnsbury had been awarded \$57,910 by the EPF and Mr. LaMothe countered that funding had been received through a different program. Mr. Haskell asked the purpose of the application to the Adirondack Park Smart Growth Program and Mr. LaMothe responded that it was to assess the economic viability of acquiring the rail line from the Town of North Creek to the Town of Tahawas. Mr. LaMothe added that if the study proved economically viable, Senator Little would try to find the appropriate funding.

Messrs. Thomas and Strainer entered the meeting at 10:10 a.m.

Mr. Butler introduced Rick Loewenstein and Robert Badger of Clough Harbour & Associates to present the proposed plans for the stations in the Towns of Hadley and Thurman.

Mr. Loewenstein remarked that he understood that there were new members of the Committee and said that he hoped they had a chance to review the memo from Clough Harbour & Associates, a copy of which was included in the Agenda packet. He added that the memo had been derived from the Committee's decision at the previous meeting to make both railroad stations functional and wait for additional funding before constructing the buildings. He said that the purpose of this meeting was to decide how to proceed with the project and stay within the remaining balance of \$1.3 million.

Mr. Badger stated that he had been working on the infrastructure of the project and that his expertise was in rail operations. He said that the goal of the project was to maximize the use of the available funds and to meet all New York State

Department of Transportation (DOT) requirements associated with the grant funding. He apprised that he hoped the Committee could reach a consensus, so Clough Harbour & Associates (CHA) could present the plans to the DOT, receive approval and put the project out to bid.

Mr. Loewenstein apprised that CHA had received approval to go out to bid on the previous plans for both stations. He added that due to budget constraints they had redesigned the plans to reduce some of the project elements. He said that the goal of the new plan was to make each of the railroad stations functional. He added that these plans would not include the construction of the buildings, rather the focus would be on site work improvements, to include a gravel parking lot with drainage collection and storm water management at each railroad station. He expounded that both locations would have an asphalt train platform with a pole barn style canopy shelter and would have the grading, minimal landscaping and signage completed. He added that power and telephone conduits would be installed below the grading for future use. He stated that an allowance of \$25,000 each had been included in the budget for the canopied shelters. He said that a weatherproof panel could be added to the shelters which would increase the cost. He apprised that the existing run-around at the Thurman station would be relocated south to the proposed site of the building at an estimated cost of \$300,000. He explained that the current plans would not include power, lighting or restroom facilities.

Mr. Loewenstein apprised that the proposed improvements for the Thurman station would cost approximately \$500,000 plus an additional \$300,000 for the run-around. He said that the proposed improvements at the Hadley station would cost approximately \$350,000, bringing the approximate cost of making both stations functionally complete to \$1.15 million. Mr. Badger noted that up until the last Committee meeting, CHA had been working on a full design for each station; however, he added, the phasing delineation had been chosen due to budget constraints but would still meet the functional requirements. He said that in this phased approach they would complete all work from the ground up with the construction of the buildings being completed last. He apprised that CHA was proposing the same level of improvements for both stations. He said that any future grant funding could be used for additional improvements and that no funding would be wasted.

Discussion ensued.

Mr. Butler apprised that the original Federal grant had been for \$2 million with a match of \$500,000 in County funds. Mr. Badger stated that CHA made plans based on available funding and their goal was not to exceed that amount. Mr. Loewenstein noted that an asphalt platform had been part of the previous plans

for the Hadley station and could remain part of the final project. He added that the water and sewer connections for both stations would be installed and capped for future use. He expounded that the gravel parking lots would have drainage piping installed. He noted that the pole barn style canopy shelters would not be permanent and would not interfere with any future construction. Mr. Belden apprised that the parking lots would need to be paved for handicap access. Mr. Loewenstein replied that the handicap parking area would be paved, as well as a walkway to the platform. Mr. Badger suggested that the County put 90% of the grant out to bid and complete eligible in-kind services as the County's matching share. He stated that CHA would present the phased approach to the DOT for approval and then would go out to bid.

Mr. Belden noted that the Town of Hadley had a new Supervisor and asked if they were still on board with this project. Mr. Merlino responded that if he had known the topic of discussion for this meeting, he would have requested representatives from the Town of Hadley to be present. Mr. Badger said that there had been a meeting with Congresswoman Gillibrand's Office and representatives from the Town of Hadley had been present. He added that the Town of Hadley was also applying for grant funding for improvements at the Hadley station. He said that he did not feel there would be any objections from the Town of Hadley to the phased approach. Mr. Loewenstein apprised that CHA had received approval from the Town of Hadley Planning Board for the full building plans; however, he added, they had not been informed of the proposed phased approach. He noted that CHA's first step was to present the phased approach to the Committee, then to receive approval from the DOT and finally to receive approval from the Town Planning Boards. Mr. Belden asked if CHA would require a letter from each of the Town Planning Boards stating their approval. Mr. Haskell stated that they had held a public hearing previously and Mr. Loewenstein responded that the hearings had been for the full building plans. Mr. Badger said that they would need Town Planning Board approval before the project went out to bid. He added that he felt Town approval should be obtained prior to presenting the phased approach to the DOT.

Mr. Haskell apprised that due to numerous problems with the acquisition of the Gaslight Village property in the Town of Lake George, he felt the \$1.3 million in funding for that acquisition should be reallocated and used to fully construct both stations and complete this project. Mr. Taylor asked the amount of additional costs that would be incurred by using the phased approach. Mr. Loewenstein responded that it would depend on the length of the delay and added that a 3-4% escalation per year had been used in the proposed budget. Mr. Badger said that it was slightly more expensive for the phased approach as opposed to completing the entire project now.

Discussion ensued.

Mr. Goodspeed apprised that a functional station was fine for passengers that were commuting; however, he added, the railroad was for tourism and needed to be dynamic and complete. He said he would like to see stations that would encourage return passengers as opposed to two half-completed stations. Mr. Payne stated that he should be informed by the end of the day if the New York State Department of Environmental Conservation (DEC) would be awarding Warren County \$2.8 million in grant funding for the acquisition of the Gaslight Village property. He added that there had been a meeting with the Executive Chamber two months ago and he had received a phone call yesterday stating that a definitive answer should be forthcoming. He further added that the \$1.3 million that had been set aside for the acquisition was needed as matching funds for the DEC grant.

Mr. Tessier noted that if the State was funding \$2.8 million and the County was matching those funds with \$1.3 million, then the Town and the Village of Lake George would not be included in the acquisition. Mr. Payne responded that the property would be owned by and deeded to the County, which was a requirement of the grant funding. Fred Austin, Building Projects Coordinator, expounded that it was critical that the funding of \$1.3 million remain available for the acquisition of the Gaslight Village property. He added that the purchase price of the property was \$4.1 million and the County's match was 25% of the purchase price. He said that the State had agreed to pay the remaining 75% which meant that additional funding by the Town and the Village of Lake George was not necessary. He noted that the resolution which stated that \$1.3 million of the County's funds were available for this acquisition was the main reason this funding would be awarded to the County. He added that if any portion of the \$1.3 million were allocated elsewhere it might put the 75% State funding at jeopardy. Mr. Payne stated that Chairman Monroe had been informed of the situation. Mr. Belden asked what amount was being contributed by the Town and the Village of Lake George and Mr. Payne replied that they would not need to contribute to the cost of the acquisition. Mr. Austin noted that the State funds for the acquisition were only available if the property was purchased by a County municipality.

Mr. Kenny entered the meeting at 10:38 a.m.

Mr. Payne apprised that the only restriction that the State was placing on the acquisition of the property was that the saloon could not be operated as its' previous business. He added that he had informed the State representatives that the County intended to make the building into a community center and the State had replied that as long as it was non-profit, it would be allowable. Mr. Stec asked if the three environmental groups (the 3E's) that had been involved in previous

discussions, could participate in the construction that would be done on the property. Mr. Austin responded that 100% of the funding for the construction would come from the 3E's. He added that the concept report and the resolution from the Board that stated that they agreed with the concept report were the primary reasons for the State to fund the acquisition. He said that the funding was for non point source solution and had to be used for the purpose of the concept report.

Discussion ensued.

Returning to the discussion on the stations, Mr. Badger stated that the reason the County could not complete the Thurman station now and had to wait to complete the Hadley station was because of the right-of-way that had been acquired at the Hadley station. He added that if improvements were not made on the property the County might need to relinquish the property.

Mr. Belden suggested that letters be sent to Albany requesting additional funding to complete both stations at the same time. Mr. Thomas responded that the State was aware of the County's need for additional funding and added that he had been to three meetings at Congresswoman Gillibrand's Office, which had been attended by representatives from the Offices of Senator Joseph Bruno, Senator Elizabeth Little and Assemblywoman Teresa Sayward. Mr. Merlino apprised that he had requested funding in the amount of \$500,000 on behalf of Hadley-Luzerne and had received a letter from Congresswoman Gillibrand's Office stating that funding would not be available for 2008. Mr. Belden asked if the Committee was prepared to go out to bid with the plans presented by CHA. Mr. Badger replied that the first step was to present the DOT with the plans for the phased approach for approval. Mr. Stec asked if there were time constraints on the funding and Mr. Badger responded that CHA had to submit the plans for the full building by the end of September 2007. Mr. Loewenstein said that he would check to see if there was a timetable for the use of the funds. Mr. Badger strongly recommended that the County reach a consensus with the State prior to April 1, 2008 (budget time).

Mr. Haskell expounded that the Department of Public Works (DPW) could do all the site work and the parking lots which would allow more funds to be used towards the construction of the buildings. Mr. Belden responded that DPW did not have the available manpower to do the work at both stations on top of their regular workload. William Lamy, DPW Superintendent, explained that some of the costs listed in the proposed budget were for materials. He said that the costs would need to be broken down into labor, equipment, materials, fuel, etc. He stated that the DPW would have a staff meeting next week to plan for the upcoming construction season. He expounded that the DPW was capable of doing much of the labor for both stations; however, he said, if the equipment was

needed elsewhere it would bring the work at the stations to a standstill. He added that travel time and overtime for the employees would also be an issue. He stated that it would take longer for the DPW to complete both stations than it would if the work was contracted out. He added that DPW would not be able to put together two separate crews and therefore only one station could be completed at a time.

Mr. Badger said that the County could complete the site work now and do additional construction and improvements over time. Mr. Goodspeed asked what amount of additional funding would be needed to complete both stations and Mr. Stec responded that \$2.8 million was needed and \$1.3 million was available, leaving a deficit of \$1.5 million. Mr. Badger noted that two functional stations could be constructed using the available funding.

Discussion ensued.

Mr. Badger stated that by delaying the start of the project, the County could potentially put the entire program at risk. Mr. Loewenstein said that CHA should present the phased approach to the DOT and also check on the time frame for using the funds. He added that the County could decide to hold off until additional funding became available.

Mr. Haskell apprised that it would be difficult to explain to the Thurman Town Board that the County would be spending \$500,000 and the station would end up being a platform with a canopy. Mr. Badger said that the intent of this project was to operate a rail service, which could be accomplished with the canopied platforms. Mr. Haskell responded that the County often constructed platforms at a cost of approximately \$12,000 each. He said that the County had been working on this project for ten years and would now end up with a dirt parking lot without a building or bathrooms that would cost \$500,000. Mr. Merlino said he had a meeting with representatives from the Town of Hadley and they had shown him paperwork which had promised a \$1 million train station. Mr. Belden noted that the Town of Hadley had not contributed any funding to the project.

Mr. Goodspeed apprised that there were three options: 1) to proceed with the phased plan; 2) to do nothing and wait for additional funding or; 3) to complete one of the two train stations. Mr. Belden noted that if the \$1.1 million was used to construct the Thurman station, the County should have enough remaining funds to complete the majority of the site work at the Hadley station. Mr. Loewenstein apprised that the most recent plan had been to construct the Thurman station and run-around due to the fact that there was a shortfall in the amount needed to complete both stations. He added that part of that plan was to use any remaining funds and County labor to do minimal site work at the Hadley

station. Mr. Belden apprised that if the County informed the Town of Hadley that they would only be doing site work on their property the Hadley Town Board would most likely not agree since they were expecting a completed station. Mr. Merlino replied that the property was owned by the County. Mr. Badger noted since the County had used federal funds to acquire the property, they had committed to making improvements on that property. Mr. Stec stated that of the three options available, he felt the best choice was to proceed with the phased plan and make both stations functionally complete. Mr. Merlino agreed with Mr. Stec and added that the County needed to move forward on this project. Mr. Belden suggested that the Towns of Thurman and Hadley be advised of the new plan and be requested to send a letter of acceptance for the plan.

Motion was made by Mr. Stec, seconded by Mr. Goodspeed and carried by majority vote to proceed with plans to make both stations functionally complete (site work, gravel parking lot, paved handicap parking and walkway and canopied platform) and to authorize Clough Harbour & Associates to present the phased approach to the New York State Department of Transportation for consideration, with Mr. Haskell voting in opposition.

Mr. Haskell stated that he was certain that the Town of Thurman would not be willing to send a letter of acceptance for the phased plan. He added that he did not feel the Town of Hadley should have any influence as to what direction the County decided to proceed. He said that the County owned the property and had secured the funding and the Town of Hadley had not contributed anything to the project. Mr. Loewenstein apprised that the Hadley Planning Board would need to approve the project and issue a permit for the construction. Mr. Haskell requested Mr. Lamy to meet with his staff to discuss what amount of the work they could accomplish. He added that the Committee could then have a special meeting to discuss the results. Mr. Lamy asked Mr. Loewenstein if he could provide a breakdown in costs and Mr. Loewenstein replied affirmatively. Mr. Badger noted that the County could purchase their own materials and go out to bid listed as 'materials by owner'. He added that any work that would be done by the DPW would have to be completed prior to going out to bid.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Stec and seconded by Mr. Goodspeed, Mr. Belden adjourned the meeting at 11:08 a.m.

Respectfully submitted,

Charlene DiResta, Legislative Office Specialist